

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James Cove
U.S. Application No.: 10/590,561
Filed : August 24, 2006
Title : "PUSH BUTTON ASSEMBLY"
Art Unit : 2832
Conf. No. : 8580
Customer No. : 29669
Attorney Docket No. : 34111

May 10, 2007
Lowell, Massachusetts

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to Mail Stop PCT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on May 10, 2007.

Walter F Dawson

WALTER F. DAWSON, Patent Attorney
Reg. No. 30,046

May 10, 2007

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450,
Alexandria, Virginia 22313-1450

SIR:

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)

In response to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US), mailed by the U.S. Patent and Trademark Office on April 18, 2007, Applicant hereby submits the following

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U.S. Application No. 10/590,561
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in the above application.

It was stated in the Notification of Missing Requirements that additional fees were required for this application in the amounts of \$130.00 for Late Declaration Surcharge and \$900.00 for 18 additional claims in excess of 20, for total fees required in the amount of \$1,030.00.

Incorrect Additional Claims Fees

Applicant submits that on the TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371) (Form PTO 1300) filed at the time of application (copy enclosed), the proper charges for the Basic National fee (Item 21), the Examination Fee (Item 22), and the Search Fee (Item 23) were entered totaling \$900.00. A claims fee in the amount of \$900.00 (for 18 additional claims over 20 at \$50 per claim) was entered in the proper space, with the "Total of Calculations" being \$1,800.00. Applicant checked the appropriate box on the Form PTO 1300 claiming small entity status under 37 CFR 1.27 and reduced the total amount due by one-half (½) as specified in the Form PTO 1300, thereby reducing the total amount due to \$900.00. Applicant submitted a check in the amount of \$900.00 (copy of Check No. 21323 enclosed) at the time of application for payment of the total fees due. Accordingly, Applicant submits that there are no additional claims fees due in this application and that the USPTO make the appropriate fee corrections.

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Late Declaration Surcharge

Applicant submits that since small entity status was properly indicated on the Form PTO 1300 at the time of application, the Late Declaration Surcharge should be \$65.00 (small entity) instead of \$130 (large entity) and requests that the surcharge fee correction be made.

Accordingly, the Applicant hereby submits the following for filing in the above application:

(1) Copy of the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) (Form PCT/DO/EO/905);

(2) Copy of TRANSMITTAL LETTER OF THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 (Form PTO 1300);

(3) Copy of Check No. 21323 submitted at time of application;

(3) Executed DECLARATION AND POWER OF ATTORNEY; and

(4) Check in the amount of \$65.00 for the Late Declaration Surcharge fee (small entity).

Examination of the above application is respectfully requested.

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The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 16-0875.

Respectfully Submitted,
PEARSON & PEARSON
By

Walter F Dawson

WALTER F. DAWSON
Patent Attorney,
Reg. No. 30,046
10 George Street
Lowell, Massachusetts 01852
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
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|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/590,561 | James Cove | 34111 US NATL |

INTERNATIONAL APPLICATION NO.

PCT/GB05/03970

I.A. FILING DATE

10/17/2005

PRIORITY DATE

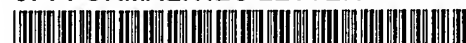
10/15/2004

29669

PEARSON & PEARSON, LLP
 10 GEORGE STREET
 LOWELL, MA 01852

CONFIRMATION NO. 8580

371 FORMALITIES LETTER



OC000000023437224

Date Mailed: 04/18/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/24/2006
- Copy of the International Search Report filed on 08/24/2006
- Preliminary Amendments filed on 08/24/2006
- Information Disclosure Statements filed on 02/08/2007
- Oath or Declaration filed on 08/24/2006
- U.S. Basic National Fees filed on 08/24/2006
- Priority Documents filed on 08/24/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$900** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

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SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$1030** for a Large Entity:

- **\$130** Surcharge.
- Total additional claim fee(s) for this application is **\$ 900**
 - **\$900** for 18 total claims over 20.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/590,561 | PCT/GB05/03970 | 34111 US NATL |

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| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 | | ATTORNEY'S DOCKET NUMBER 34111 US NATL |
| | | U.S. APPLICATION NO. (If known, see 37 CFR 1.5) Not yet assigned |
| INTERNATIONAL APPLICATION NO. PCT/GB2005/003970 | INTERNATIONAL FILING DATE October 17, 2005 | PRIORITY DATE CLAIMED October 15, 2004 |
| TITLE OF INVENTION PUSH BUTTON ASSEMBLY | | |
| APPLICANT(S) FOR DO/EO/US James Cove | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau (WO 2006/050577 A1) (22 pp.) b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)). <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendment has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. (c)(4)) and Power of Attorney (unexecuted) 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). <p>Items 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.) 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. (2 pp.) 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). | | |

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|---|--------------|---|------------|--|--------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) To be assigned | | INTERNATIONAL APPLICATION NO. PCT/GB2005/003970 | | ATTORNEY'S DOCKET NUMBER 34111 US NATL | |
| 20. Other items or information: a. Copy of Notification Concerning Transmittal of Copy of International Application as Published or Republished (PCT/IB/311) (1 pg); b. Copy of International Search Report (3 pp.) with copies of 7 cited references; and c. Copy of Notification Concerning Submission or Transmittal of Priority Document (PCT/IB/304) (1 pg.). | | | | | |
| The following fees are submitted: | | | | CALCULATIONS | PTO USE ONLY |
| 21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) | | | | \$300.00 | \$300.00 |
| 22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) | | | | \$200.00 | |
| If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations.....\$200 | | | | | |
| 23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492 (c)) | | | | \$400.00 | |
| If the written opinion of the ISA/US or the International Preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33 (1)-(4).....\$0 Search fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as an International Searching Authority.....\$100 International Search Report prepared by an ISA other than the US and provided to the Office or Previously communicated to the US by the IB.....\$400 All other situation.....\$500 | | | | | |
| TOTAL 21, 22 and 23 =.....\$ | | | | \$900.00 | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.82(c)) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | \$0 | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | |
| - 100 = | /50 = | | x \$250.00 | \$0 | |
| Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration After the date of commencement of the national stage (37 CFR 1.492 (h)). | | | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | 38- 20 = | 18 | x \$50.00 | \$900.00 | |
| Independent claims | 1 - 3 = | 0 | x \$200.00 | \$0 | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | 0 | x \$360.00 | \$0 | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$1,800.00 | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$900.00 | |
| SUBTOTAL = | | | | \$900.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (i)) | | | | \$0 | |
| TOTAL NATIONAL FEE = | | | | \$900.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | \$ | |
| TOTAL FEES ENCLOSED = | | | | \$900.00 | |
| | | | | Amount to be refunded | \$ |
| | | | | Amount to be charged | \$ |

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- a. ☒ A check in the amount of \$900.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-0875. A duplicate of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

PEARSON & PEARSON, LLP
Gateway Center
10 George Street
Lowell, Massachusetts 01852

Walter F Dawson

WALTER F. DAWSON

NAME

30,046

REGISTRATION NUMBER